



AMERICAN PUBLIC POWER ASSOCIATION

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TO: APPA Members with Generating Facilities
APPA Environmental Committee

FROM: Bill Becker, Environmental Engineer

SUBJECT: Hazardous Waste Disposal Regulations

REFERRED

The Environmental Protection Agency (EPA) recently developed a set of rules designed to protect human health and the environment from improper management of hazardous wastes. The regulations, soon to be published in the Federal Register, are seven inches thick and probably represent the most comprehensive environmental requirements ever promulgated.

The impact of the new rulemaking on utilities is limited -- at least for the time being. EPA has announced that it is delaying imposition of the regulations on high volume utility wastes (i.e., fly ash, bottom ash, and scrubber sludge) in response to anticipated action by Congress to exempt these wastes until certain studies are conducted. These studies are not expected to be completed for a couple of years. EPA's action to temporarily postpone hazardous waste regulation of high volume utility wastes is consistent with APPA comments submitted to the agency in response to its proposed regulations (December 18, 1978).

Other hazardous utility wastes (such as boiler cleaning wastes) will be subject to the new rulemaking when the rules become effective in six months. These wastes will be regulated under Subtitle C of the Resource Conservation and Recovery Act. Subtitle C contains seven major sets of requirements. With publication of this rule, all seven sets of hazardous waste rules (summarized below) have now been issued, thus establishing a "cradle-to-grave" mechanism for controlling these wastes. Sections 3001, 3004, 3005 and 3006 of Subtitle C were published with the new rulemaking, while Sections 3002, 3003, and 3010 were published on February 26, 1980 (see APPA memo, March 7, 1980).

Section 3001 of Subtitle C identifies which wastes are hazardous and therefore subject to strict regulation. A waste is considered hazardous under the new rules if (1) it is either specifically listed in the rules, or (2) it fails tests for any one of four criteria, including ignitability, corrosivity, reactivity and toxicity. EPA's test for toxicity has been modified from the original proposal and now includes "more demanding conditions" for defining a hazardous waste. The small generator exemption has also been changed from the 100 kilograms/month limit to 1,000 kilograms/month.

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Sections 3002 and 3003 require EPA to establish standards for generators and transporters of wastes determined to be hazardous under the previous section. These regulations require (1) special recordkeeping and reporting, (2) a manifest system for tracking shipments of wastes, (3) proper labels and containers, and (4) the delivery of the wastes to a permitted facility.

Section 3004 directs EPA to publish standards for the operation and design of treatment, storage and disposal facilities. EPA modified its original proposal by creating a three-staged process phasing in the requirements. Phase I includes administrative and limited technical regulations. Phase II allows hazardous waste facilities to be permitted on the basis of "best engineering judgment," thus enabling site and waste-specific factors to be considered. In Phase III, EPA will further expand its data base. EPA has also decided to eliminate the "special waste" category it had originally proposed for those wastes (including certain utility wastes) which were considered "high-volume" and "low-hazard."

Sections 3005 and 3006 specify permit procedures and guidelines for the approval of state hazardous waste programs.

Section 3010 requires generators and transporters of hazardous wastes and owners and operators of treatment, storage and disposal facilities to notify EPA by August 14, 1980 of their hazardous waste activity. According to the regulation, if notification is not given, "no hazardous wastes may be transported, stored or disposed of." EPA has identified over 400,000 persons, businesses and Federal agencies which may be required to file hazardous waste notifications, and has indicated that it will mail to each a notification package including the regulation, an explanatory letter from the agency, and other pertinent information. Procedures and notification forms were published in the Federal Register on February 26, 1980 (pp. 12746-12754).

EPA has indicated that it will publish in the fall special requirements for recycling and reusing hazardous wastes. These requirements will not apply to fly ash and other high volume utility wastes since these substances, as previously mentioned, have been temporarily exempted from regulation. However, waste oil used for fuel will probably be regulated when the rule is published.

Due to the complexity of the regulations, EPA has established an industry assistance office within its Office of Solid Waste. The agency says that it will (1) provide a limited degree of assistance and (2) prepare guidance manuals which interpret the regulations. EPA has also scheduled three public meetings (all starting at 9:00 a.m.) in the following locations to answer questions about the new rulemaking:

- ✓ May 30 San Francisco, California
 Sheraton Palace Hotel, 639 Market St.
- June 2 Washington, D.C.
 HEW Auditorium, 330 Independence Ave., S.W.
- June 6 Chicago, Illinois
 Palmer House, 17 East Monroe St.

If you have any questions concerning the hazardous waste regulations, please do not hesitate to call.